

Drug Policy Forum of California Voters' Guide

Marijuana and Drug Reform Issues - Nov. 2006 - www.drugsense.org/dpfca

Marijuana and drug reform are far from burning issues in this year's California elections. Unlike past campaigns, where candidates have at least discussed medical marijuana, this year's candidates are avoiding the issue. And while the state faces a prison overcrowding crises severe enough to merit a special session of the legislature, candidates have failed to even mention drug decriminalization or sentencing reduction as a means of addressing the problem.

This year's election is made all the more dreary by the fact that the state's districts have been gerrymandered to protect incumbents, leaving almost no competitive races. Voters therefore have little leverage to influence the outcome through their choice of candidates.

At the local level, three cities – **Santa Cruz, Santa Barbara, and Santa Monica**, will be voting on initiatives to make marijuana lowest enforcement priority (for details, see www.taxandregulate.org). These initiatives, which follow up on Oakland's successful Measure Z "tax and regulate" initiative of 2004, are intended to build up further pressure for decriminalization at the state level. A fourth town, Albany, will be voting on an advisory measure as to whether to allow a medical cannabis dispensary (Measure D).

At the national level, nothing is more crucial than the battle for control of Congress. A Democratic victory in the House would greatly advance the prospects for medical marijuana and drug reform by replacing the hostile leadership of Speaker Dennis Hastert with that of San Francisco's reform-sympathetic Rep. Nancy Pelosi. Unfortunately, California voters won't decide the outcome in the House, since none of the state's districts is competitive.

Neither is there likely to be much change in the state legislature, where not a single seat changed party hands last election.

In the absence of public debate, candidates are best judged by their voting record. Where that is lacking, the next best guide is party affiliation. As a rule, Democrats have been more sympathetic on marijuana and drug reform issues, except for a few social conservatives from the Central Valley and Southland. Contrariwise, Republicans have been hostile with a few libertarian exceptions.

As usual, voters who are dissatisfied with both major parties can protest by voting for one of the minor parties that oppose the drug war and advocate legalization or decriminalization. From right to left on the political spectrum, these are the **Libertarians** (pro-free-market and anti-government), the **Greens** (economically progressive and pro-environment), and the **Peace and Freedom Party** (socialists from the 60s peace movement).

Unfortunately, we don't have enough space in this guide to list all of the sympathetic minor-party candidates, but here's a roundup of the major races of interest.

Governor

However much Gov. **Schwarzenegger** has been trying to reach out to the middle, he has done nothing to include marijuana users or drug reformers. In addition to vetoing

this year's hemp bill, the Governor terminated Sen. Vaconellos medical marijuana "clean-up" bill to fix poorly worded language in SB 420; a bill to ban drug testing in the schools; and a bill to restore welfare benefits to ex-drug-felons. He also signed the Ducheny drug treatment bill, which tries to override Prop. 36's ban on jailing offenders in drug treatment programs. The Governor's record is not entirely black - he did approve a bill to legalize sales of syringes, something that his predecessor would likely have opposed. As the only California governor ever to have admitted enjoying a joint, Schwarzenegger is probably sincere in saying that he supports medical marijuana, but he has done nothing to advance it. While he may harbor liberal views, his policies are guided by conservative "law and order" advisors.

It would be nice if Democratic candidate **Phil Angelides** offered a better alternative, but he has been utterly silent on drug policy. His record as Treasurer offers no clue. Although sources who know him describe him as the "smartest guy in the room," no one can recall him commenting on marijuana or drug reform. Angelides had the chance to attack Schwarzenegger on the prison crowding issue, where he might have suggested decrim or sentencing reform for non-violent drug offenders. Instead, he chose to court the prison guards' union. Having won their endorsement, he appears to offer little more than the tired special interest politics of his predecessor, Gray Davis.

Voters who find the major party candidates distasteful may choose to vote for one of the minor parties. On his website, Green Party candidate **Peter Camejo** calls the war on drugs a "failure" and suggests legalizing and taxing marijuana. Libertarian **Art Olivier**, the former mayor of Bellflower, offers only vague thoughts about drugs, but is endorsed by the party's anti-prohibition faithful.

Lieutenant Governor

Republican candidate **Tom McClintock** is one of the most conservative legislators in Sacramento, but with a redeeming libertarian streak. He has voiced support for Prop. 215 and voted for the hemp bill. He was also the only Republican to vote against this year's Ducheny bill undermining Prop. 36. However, he tends to follow his party's law-and-order line on most criminal justice issues.

His Democratic opponent, Insurance Commissioner **John Garamendi**, has no voting record to judge by, but did have the courage to question the misguided, wildly popular Three Strikes Initiative during his 1994 gubernatorial run.

Marijuana supporters have a champion in Libertarian candidate **Lynnette Shaw**, a patient advocate and founder of the Marin Alliance for Medical Marijuana. Calling herself the "Marijuana Peace and Hemp" candidate, Shaw advocates the immediate release of all non-violent marijuana prisoners.

The Green candidate, **Donna Warren**, also boasts a record of anti-drug war activism, having sued the CIA and Department of Justice for "inflicting" South Central LA with crack cocaine. She supports decriminalization of all drugs.

Attorney General

Californians will be hard-pressed to find a better A.G. than **Bill Lockyer**, the outgoing holder of this crucial office, which oversees state drug law enforcement.

Democratic candidate **Jerry Brown**, the heavy favorite, has an exaggerated reputation for liberalism dating back to his days as Governor, when he signed California's decriminalization law. In fact, his record has been disappointing. As Mayor of Oakland, he supported the crackdown on the city's cannabis clubs, opposed the Measure Z "tax and regulate" initiative, and campaigned against the state Three Strikes reform initiative in 2004. Privately, Brown has been overheard to express skepticism about legalization. Nonetheless, he is surrounded by liberal advisors, and has promised to uphold California's medical marijuana law.

Whatever Brown's shortcomings, his Republican opponent, Sen. **Charles Poochigian**, is infinitely worse. A law-and-order drug warrior in the Lungren mold, Poochigian has consistently opposed every medical marijuana and drug reform bill. He even sponsored an unsuccessful bill to boost marijuana prison sentences.

The minor party candidates - Libertarian **Kenneth Weissman** ("no laws against victimless crimes), the Greens' **Mike Wyman** ("decriminalize adult drug use now") and P&F's **Jack Harrison** ("legalize marijuana"), all offer good statements on drug policy.

Secretary of State

The Democratic candidate, Sen. **Debra Bowen**, is noteworthy for boasting a perfect record on drug reform votes in the legislature. This year, she was the only Senate Democrat to vote against the Ducheny bill to weaken Prop. 36. If she is elected, she may have to deal with this issue again, since the Ducheny bill could trigger a referendum on Prop. 36, a matter that would have to be handled by the Secretary of State.

Republican incumbent **Bruce McPherson** is decent enough by his party's standards - he supports Prop. 215 and sponsored a bill to reduce marijuana possession to an infraction - but he has tended to be subservient to the law-and-order wing of his party on other crime issues.

Treasurer

Democratic candidate **Bill Lockyer** was unfortunately termed out of the Attorney General's office, so he is running for Treasurer instead. Lockyer was arguably the best A.G. in the state's history, having publicly supported Prop. 215, ended his predecessor's assault on cannabis clubs, and supported an end to drug testing in the schools. His election as Treasurer might be a stepping stone to a future run for Governor.

U.S. CONGRESS

At the national level, nothing could do more to improve the direction of drug policy than a change in control of the House of Representatives. For 12 years, the Republican leadership has refused to allow any drug reform bill to even

be heard in committee. This will change if the Democrats win and Rep. Nancy Pelosi becomes Speaker. Pelosi boasts an excellent voting record on drug reform issues (including a perfect 100% rating from the Drug Policy Action Network). If she becomes Speaker, she will appoint new committee chairs who support reform legislation. This would finally clear the way for long-overdue hearings on worthy bills such as Rep. Barney Frank's States' Rights' to Medical Marijuana Act - the first stage of what is likely to be a multi-year path towards final enactment into law.

The U.S. Senate is another matter. The Senate Democratic leadership is more socially conservative than that in the House, so a Democratic victory there is less likely to have positive impact on drug policy. Not a single senator of either party has proposed any sort of medical marijuana or drug reform bill. Even if the Democrats win control, it will be a good while before a good bill stands a chance of passing both houses - especially given the certainty of a veto by President Bush.

U.S. Senate

The problem in the Senate is exemplified by California's own senior Democratic Senator, **Dianne Feinstein**. Feinstein has been a vocal advocate of tough drug laws and opposed both Prop. 215 and Prop. 36. Unfortunately, she also sits on the Senate Judiciary Committee, where she has backed tougher drug penalties while totally ignoring the voters' mandate to bring federal medical marijuana law into line with Prop. 215.

Feinstein is up for re-election this year. Given her dismal record, it would be nice if she had strong opposition. Unfortunately, her Republican opponent, former state legislator **Richard Mountjoy**, is a hopeless case, a religious-right "family values" zealot with a 0% drug reform voting record in the legislature. Green and Libertarian candidates are also running for Senate, but only Peace and Freedom candidate **Marsha Feinland** bothers to mention drug policy on her website, where she calls for decriminalizing drug use and legalizing marijuana.

House of Representatives

Although nothing is more critical in this election than control of the House, Californians will have little opportunity to affect the outcome. Because of gerrymandering, virtually none of the state's districts are competitive.

One exception may be the 11th District (Tracy - Dublin), where the controversial Republican incumbent Richard Pombo faces Democrat Jerry McNerney. Pombo is a strong drug warrior and opponent of medical marijuana; McNerney has been mum on the issue.

Only one incumbent is stepping down, Republican Bill Thomas (22nd - Bakersfield). His likely replacement will be Republican State Assembly leader Kevin McCarthy, who posted a dismal voting record in the legislature.

The last session saw one bellwether vote in Congress on medical marijuana: an amendment by Rep. Maurice Hinchey (NY), co-sponsored by Orange County Republican **Dana Rohrabacher** (Huntington Beach), which would have denied federal funding for the Department of Justice to interfere in state medical marijuana laws. The Hinchey

Congressional Voting Record, 2005-2006

Ratings: ☆ = Honor Roll ✓ = Good ● = Awful

Ratings based on following criteria:

Hinchey - Yes/No on vote to end DEA medical MJ raids.

DPAN (Drug Policy Action Network) drug reform rating on 5 key bills, from 0%- 100%.

Pro-reform bills sponsored:

R = RISE Act HR 1184 to repeal federal ban on student aid to drug offenders.

M = States Rights to MMJ Act HR 2087 to let states legally regulate medical marijuana.

T = Truth in Trials Act HR 4272 to let federal defendants cite state medical marijuana laws in their defense.

H = Industrial Hemp Act HR 3037 to legalize hemp agriculture.

Dist. No.	Rating	Member	Party	District	Hinchey	DPAN	Bills Sposored
1	✓	Thompson	D	St. Helena	Y	60	M,T
2	●	Herger	R	Chico	N	20	
3	●	Lungren	R	Sac'to	N	40	
4	●	Doolittle	R	Roseville	N	40	
5	✓	Matsui	D	Sac'to	Y	80	
6	☆	Woolsey	D	Petaluma	Y	80	R,M, T,H
7	☆	Miller	D	Concord	Y	100	R,M, T
8	☆	Pelosi	D	S.F.	Y	100	
9	☆	Lee	D	Oakland	Y	80	M,T
10	✓	Tauscher	D	Alamo	Y	80	
11	●	Pombo	R	Tracy	N	40	
12	☆	Lantos	D	San Mateo	Y	80	R,M
13	☆	Stark	D	Fremont	Y	80	R,M, H
14	☆	Eshoo	D	Palo Alto	Y	80	R,M
15	☆	Honda	D	San Jose	Y	80	M
16	✓	Lofgren	D	San Jose	Y	80	
17	☆	Farr	D	Carmel	Y	80	R,M, H
18	●	Cardoza	D	Merced	N	20	
19	●	Radanovich	R	Fresno	N	0	
20		Costa	D	Visalia	Y	60	
21	●	Nunes	R	Visalia	N	20	
22	●	Thomas	R	Bakersfield	N	20	
23	☆	Capps	D	Santa Barbara	Y	80	T

Dist. No.	Rating	Member	Party	District	Hinchey	DPAN	Bills Sposored
24	●	Gallegly	R	Simi Valley	N	20	
25	●	McKeon	R	Canyon Country	N	40	
26	●	Dreier	R	Covina	N	40	
27	☆	Sherman	D	Woodland Hills	Y	100	
28	☆	Berman	D	Mission Hills	Y	80	R
29		Schiff	D	Pasadena	Y	60	
30	☆	Waxman	D	Beverly Hills	Y	80	R,M
31	✓	Becerra	D	L.A.	Y	80	
32	✓	Solis	D	Rosemead	Y	80	
33	☆	Watson	D	L.A.	Y	100	R
34	☆	Roybal-Allard	D	Bell Gardens	Y	100	
35	☆	Waters	D	L.A.	Y	80	R
36	✓	Harman	D	Torrance	Y	80	
37	☆	Millender-McDonald	D	Carson	Y	100	R
38		Napolitano	D	Norwalk	Y	60	
39	☆	Sanchez, Linda	D	Lakewood	Y	80	R,M
40		Royce	R	Fullerton	Y	60	
41	●	Lewis	R	Redlands	N	40	
42	●	Miller	R	Diamond Bar	N	40	
43	●	Baca	D	San B'd'no	N	40	
44	●	Calvert	R	Riverside	N	20	
45	●	Bono	R	Palm Springs	N	20	
46	☆	Rohrabacher	R	Huntg'tn Beach	Y	80	M,T
47	✓	Sanchez, Loretta	D	Santa Ana	Y	80	
48		Campbell	R	Newport Beach	Y		
49	●	Issa	R	Vista	N	20	
50		Bilbray	R	Escondido			
51	☆	Filner	D	San Diego	Y	80	R
52	●	Hunter	R	La Mesa	N	40	
53	☆	Davis	D	San Diego	Y	100	

amendment failed 163-259, but California's delegation voted 34-19 in favor. The state's Democrats voted overwhelmingly in favor by 31-2, the two **No's** coming from blue dogs **Dennis Cardoza** (Merced) and **Joe Baca** (San Bernardino). Rohrabacher was joined with **Yes's** from two fellow Orange County Republicans, **John Campbell** and **Ed Royce**, but the bulk of his party's delegation voted 3-17 against him.

STATE LEGISLATURE

There are a mere handful of competitive races for the California legislature this year, and in none are marijuana or drug reform significant issues. In those seats where incumbents are being forced out by term limits, no change in party control is expected.

With rare exceptions, the California legislature splits along party lines on drug issues. The Democrats, led by Assembly Speaker Fabian Nunez and Senate President Don Perata, have been generally supportive of medical marijuana, needle exchange, drug treatment and harm reduction; the Republicans, led by Assemblyman Kevin McCarthy and Sen. Dick Ackerman, have been hostile and punitive.

A review of three typical bills from the last session tells the story:

On the industrial hemp bill (AB 1147) Democrats voted 78 - 3 in favor, while Republicans voted 3 - 42 against (vetoed by Gov. Schwarzenegger).

On AB 1597, to broaden needle exchange programs, Democrats voted 79 - 1 in favor; Republicans 1- 45 against (the Governor signed).

On AB 855, a bill to restore CalWORKs welfare benefits to persons with prior drug felonies, Democrats voted 80 - 3 in favor, Republicans 0 - 46 against. Opponents have never explained why only drug felons, not violent ones, should be punished by loss of welfare benefits, but the bill was vetoed by Gov. Schwarzenegger anyhow.

In general, voters concerned about drug reform are therefore well advised to choose Democrats over Republicans, other things being equal.

A handful of exceptions should be noted. Three Democrats have distinguished themselves with consistently **bad votes** in the legislature: Assemblywoman **Nicole Parra (Hanford)**, Sen. **Dean Florez (Fresno)**, and Senate candidate **Lou Correa (Santa Ana)**. Unfortunately, their Republican opponents offer nothing better.

As usual, voters dissatisfied with both major parties may prefer to vote for **Green, Libertarian, or Peace and Freedom** candidates.

A dozen legislators deserve special credit for opposing the worst single bill passed by the last legislature, the Ducheny drug treatment bill (SB 1137), which attempts to amend Prop. 36 so as to allow judges to impose jail sentences for failure to attend drug treatment programs. The bill was rushed through the legislature without committee hearings as part of a last-minute budget deal by the leadership with Gov. Schwarzenegger's support. It was strongly opposed by Prop. 36 advocates, who say it circumvents the initiative's mandate of "treatment, not prison," and have sued to have it blocked in court.

The following legislators merit honor roll mention for bucking the leadership to vote no on the Ducheny bill.

State Senate Honor Roll

(No on SB 1137 to Reinstate Jail for Drug Users)

Sen. **Debra Bowen** (Dem. candidate for Secretary of State)
Sen. **Tom McClintock** (Rep. candidate for Lt. Governor)

Assembly Honor Roll

Joe Canciamilla (D-Pittsburg) **Loni Hancock** (D-Berkeley)
Rebecca Cohn (D-Saratoga) **Jerome Horton** (D-Inglew'd)
Merv Dymally (D-Compton) **Mark Leno** (D-SF)
Jackie Goldberg (D-LA) **Sally Lieber** (D- Mt. View)
Paul Koretz (D-W.Hollywood)

Other Notable Candidates for Legislature

4th Senate District (Nevada- Yuba Co): Democrat **Paul Singh** is a Prop. 215 patient and supports legalization. His opponent, Sen. Sam Aanestad, is a hard-line Republican drug warrior and opponent of medical marijuana. While Aanestad did support the industrial hemp bill, Singh worries that industrial hemp could contaminate the medical cannabis crop through cross-pollination.

25th Assembly District (Modesto). Democrat **Lex Bufford** is a NORML supporter and advocates marijuana legalization. He also owns the Strawberry Alarm Clock head shops, but is not stressing this fact in his campaign, since he faces steep odds in a heavily Republican district.

70th Assembly District (Irvine - Laguna Beach). Republican incumbent **Chuck DeVore** deserves credit for parting ways with his party's leadership to co-sponsor the Industrial Hemp Bill. However, his record on other drug reform votes is weak. Meanwhile, his Democratic opponent, attorney **Michael Glover**, has outflanked him by advocating full-scale adult use legalization. Glover, a former pot smoker who now abstains, argues that legalization and taxation of marijuana could raise billions of dollars for the state.

