

# Opinion: Why Prop. 19 went up in smoke

By Steve Kubby

Although I was an early and loyal supporter of Control & Tax Cannabis 2010, which qualified for the California ballot as Prop. 19, I continued to forecast defeat for the initiative, based upon polling numbers.

Despite plenty of theories on why polling was wrong or didn't matter, it mattered. The fact is that Prop. 19 never polled high enough to indicate a clear shot at victory. Of course, whenever I pointed out the polling problems, I was roundly criticized for being "negative". Hopefully, if and when we get another shot at doing an initiative, polling will be given more weight than this time around.

One huge strike against Prop. 19 was attempting to pass a marijuana initiative during a mid-term election, when we already knew the demographics are much better for us during a presidential election. Everyone wanted to wait until 2012, especially the funders. Launching this year was foolhardy and premature, but the Prop. 19 crew held to their belief that hordes of young people would flood the election and save the day. Unfortunately, that cargo cult mentality failed to yield any significant results at the ballot box.

Another problem with Prop. 19 is that it was too conservative with too many weasel words. We expunged all the weasel words from Prop. 215, California's historic medical marijuana initiative, and I wish the same had been done before Prop. 19 qualified for the ballot.

One of the worst and most damaging aspects of the Control & Tax Cannabis 2010 initiative was that it almost seemed like certain sections had been written by the cops. Pandering to

law enforcement , as it clearly did, was not any help in getting votes and seriously damaged support by our own side. The history of marijuana initiatives has repeatedly shown that boldly worded initiatives like Prop. 215, do better than watered-down initiatives like 19.

I also question the wisdom of taxing marijuana. Yes, I know, lots of folks think it will make us safer to pay taxes, but I've yet to see that to be the case. We didn't need taxes to sell voters on supporting Prop. 215, why do we need it now? Frankly, any taxation of cannabis will invite the same fishing expeditions that the police already conduct based upon plant numbers. I certainly hope the next initiative will focus on real legalization and not peddling a watered down version of decriminalization with a sin tax, like we saw with Prop. 19.

One of the first things we did with the Prop. 215 campaign was appoint a full time coordinator for activists. I personally nominated Chris Conrad and Mike Norris for the job. However, when I suggested the same to Lee, he dismissed the idea. I told him at the time he was making a mistake, but Rich didn't see it that way. That one error was indeed a very serious mistake, because it led to the formation of a No on 19 group of activists who caused as much harm as the narcs and regular foes of legalization.

Despite the problems, Richard Lee and his crew still deserve a big round of applause for a brilliant campaign that caught the attention of the whole world. The entire Prop. 19 crew can be proud of their historic and valuable effort.

*Steve Kubby of South Lake Tahoe helped write Proposition 215.*