

Dvorak wound up on the wrong side of the border

Marty Trillhaase/Lewiston Tribune

Todd Dvorak's mistake was picking the wrong airport.

Had Dvorak flown home to Boise last Friday from Spokane rather than Lewiston, he would not be facing a marijuana possession charge - and he'd still be working as Idaho Attorney General Lawrence Wasden's spokesman.

None of that, of course, excuses the poor judgment that got him in hot water. Dvorak was the face of Idaho's top law enforcement official. When you serve at the pleasure of the elected attorney general and get charged with a crime - any crime - you don't wait for a conviction or acquittal. You walk away for the good of the office. To Dvorak's credit, he resigned.

That may not be fair, but it's a political reality - regardless of whether you're charged with drunken driving, assault and battery or even shoplifting.

But drunken driving is illegal on both sides of the Idaho-Washington border.

Hit someone in Moscow or Pullman, and you'll answer for it.

Steal something from Walmart in Clarkston or Albertsons in Lewiston, and you'll face consequences.

But Dvorak was stopped at the airport with a package of pot marketed under the label Green Junky Farms and sold from a licensed marijuana store in Spokane Valley. Assuming he purchased the three grams found in his possession from that store, he paid about \$30 - of which \$11 in excise taxes went to the Washington State Liquor Control Board while another \$2.40 in sales taxes went to support state and local government.

Airport security is not in the business of enforcing state marijuana laws. If in the process of searching luggage TSA finds marijuana, the agency told USA Today it refers that to the locals - and what would the locals say in Spokane where possession of small amounts of pot is no crime?

Goodbye and good luck?

Dvorak found himself on the wrong side of a state line where Clarkston pot stores advertise their products in Inland 360 and Golden Times as well as on Lewiston-based radio stations.

It's a line where a Whitman County pot retailer - Premium Roast LLC - plans to set up operations within 4,500 feet of the Idaho border. Guess where it will focus its marketing?

He also finds himself on the wrong side of a historical boundary.

So far, Alaska, Colorado and Oregon have joined with Washington in legalizing the growth, cultivation, retailing and possession of recreational marijuana.

But the issue is on the ballot in five more states. Among them is California, where a legalization initiative's lead in the polls ranges from a low of 52 percent to as much as 71 percent.

And if the polls are right, Idaho's southern neighbors in Nevada are about to legalize pot as well.

So the picture could look remarkably different come the morning after Election Day. How in the world can a country endure a situation where the consequences of what is legal behavior in one state can get you arrested and cost you your livelihood in another?

That is not sustainable. The tipping point toward more liberal marijuana laws - including at the federal level - is on the horizon.

All of which makes Dvorak - at least for the moment - the most prominent victim of a visibly fading prohibition. - M.T.