

Hoffman stands athwart history and yells: 'Stop'

Marty Trillhaase/Lewiston Tribune

In its neighborhood, Idaho has become the outlier on marijuana policy.

Last Tuesday, Nevada joined Oregon and Washington in legalizing recreational pot.

To the north, Montana liberalized its medicinal marijuana policies, joining British Columbia to Idaho's north.

And on Idaho's eastern and southeastern borders, Wyoming and Utah at least allow people suffering from Dravet Syndrome and other forms of epilepsy to obtain a derivative of marijuana called cannabidiol. Idaho Gov. C.L. "Butch" Otter disregarded appeals to the contrary and vetoed an Idaho cannabidiol bill.

So what awaits the 70-year-old Lewiston widow who drives into Clarkston and purchases a package of pot to alleviate her arthritis?

Or the Pullman resident who legally bought a small amount of pot at home - but forgot to remove it from her car before driving to Moscow?

What happens to the Missoula resident who, having obtained medicinal pot at home, drives toward Spokane and is stopped somewhere along the Idaho Panhandle?

And what about the parent who is able to obtain CPD oil in Jackson, Wyo., or Ogden, Utah, only to get caught in Twin Falls?

You know the answer.

Each of them is looking at a misdemeanor conviction, a possible \$1,000 fine, up to a year in jail and the potential social and economic disruption that comes with getting busted for pot in the Gem State.

It's bound to become even more complicated.

It's a cinch that the cops and courts in border communities such as Lewiston or Moscow will be compelled to employ a more flexible approach than those in Idaho's interior, such as Grangeville or McCall.

At what point does the culture of permissiveness bleed into some portions of Idaho, but not others - leaving a patchwork that is both arbitrary and capricious?

To which Idaho Freedom Foundation President Wayne Hoffman has - paraphrasing late William F. Buckley - stood athwart history and yelled "Stop."

Hoffman is not the first to call for liberalizing Idaho's pot laws. Five years ago, former state Rep. Tom Trail, R-Moscow, pursued a medicinal marijuana law.

In 2007, libertarian Ryan Davidson spearheaded a successful initiative to normalize pot laws in the city of Hailey.

But Hoffman is certainly the most prominent conservative to speak out. In his weekly newspaper column, he has put the question bluntly: "We must ask whether cannabis crimes are worth requiring working men and women to give up their day jobs and sources of income to sit on a jury that will deliberate on a punishment where only the drug user was impacted and where, in many instances, the user is arguably helped through marijuana use."

To be clear, Hoffman is not advocating legalizing recreational use. But the options he raises reflects some serious contemplation on his part.

For instance, he asks, why not block the arrest and prosecution of anyone - especially Idahoans - who travel to another state, make a legal purchase and then do nothing more than take the marijuana home? At minimum, it gives people an incentive to exit the black markets.

Or go one step further and decriminalize possession of small amounts?

Finally, the state might consider licensing a network of medicinal pot dispensaries.

Mind you, a lot of this hinges on whether the new Trump Department of Justice continues the precedent set by the Obama administration - or cracks down on retail stores, dispensaries and any financial institutions that work with them. Whatever the feds do, they can't force police, prosecutors and the courts to pursue something the voters have forbidden them to do.

Still, Hoffman's on the right track. While Idahoans may resist outright legalization - at last check, only 31 percent support that approach - they're more receptive to medicinal pot. Five years ago when Trail pursued the idea, the Boise State University Public Policy Survey found 74 percent support for allowing "terminally and seriously ill" patients to use marijuana. Last year, Dan Jones and Associates replicated the results, finding 58 percent support the idea.

Idaho's elected leadership is deaf, dumb and blind to all this. So give Hoffman credit. He thinks the politicians should catch up with the people. - M.T.