

FINAL WORD ◊ BY TIM ROWLAND

Why Can't We Admit Policy Mistakes?

Every so often, usually in a back-water weekly newspaper, you can still find what was once a ubiquitous newspaper feature known as the police blotter. It is a dutiful, verbatim digest of business that recently came across the police desk. Often sad and occasionally humorous, it records every last disturbance, from a drugstore shoplifting to a rat in a toilet.

The blotter is often a nonlethal version of the Darwin Awards. If I had to pick a favorite item from my years in newspapers, it was the car thief in Key West who hotwired a jalopy and sped away. Sadly for him, the only road out of town was the 113-mile-long Overseas Highway, a corridor from which there is no exit. In no particular hurry, the police radioed ahead to the community of Islamorada, 84 miles to the east, and asked the police chief there to please nab the thief when he happened by. Which, an hour and 45 minutes later, he did.

The blotter can be viewed as a leading social and cultural indicator. Have opioids infected the community? Are economic stresses causing increased incidences of domestic abuse? Do unsupervised juveniles suggest fractured families?

But the failures revealed in the blotter do not always lie with the perp. Vestiges of failed law and government behavioral modification show up as well.

Two blotter items published in northern New York earlier this year, when the roads were awash in salt and slush, show how desperately we cling to such policies. In each item, a driver was pulled over on the pretense that his license plates were unreadable—which they probably were,

along with every other car traveling the Northway that day. In each case, the ostensible safety stop resulted in a charge of possession of a small amount of marijuana.

One man, an executive of color from the Bronx, was driving a newly minted Range Rover. The other was an unemployed 42-year-old who was driving an old beater of a Volvo.

Their commonality, along with an affinity for weed, is the misfortune of being tagged for violating a law that in another year very well might not exist. Reflecting on the Catholic Church's decision to permanently absolve the sin of Friday meat consumption, George Carlin quipped, "I bet there are still some guys in hell doing time on a meat rap." And so it will be for these two.

Like too many laws, marijuana was criminalized without any study, without any science, without any scintilla of evidence that the common good would be improved were it to be scoured from the face of the earth.

Cannabis was among the tinctures sitting in American medicine chests minding its own business when it got swept up along with prohibitions of other "poisons" such as opium and cocaine. In 1914, the *New York Times* praised the criminalization of

marijuana on the grounds that—well, there were no grounds except that "the inclusion of *Cannabis indica* among the drugs to be sold only on prescription is common sense. Devotees of hashish are now hardly numerous here enough to count, but they are likely to increase as other narcotics become harder to obtain."

In other words, shoot all your cows today and you won't have to worry about brucellosis tomorrow.

More nefariously, criminalization of marijuana was a tool in the toolboxes of Southwestern lawmen who needed an excuse to detain Mexicans crossing the border.

But when bad law finally falls, it falls fast. In another decade, will there be anywhere in America where you can't walk into a street-corner merchant and buy a little weed? OK, fine, insert a Mississippi joke here.

Meantime, whither our New York friends with the obstructed license plates? How much disruption have they suffered in their lives because of a little-toe of a law that in evolutionary terms is not far from dropping off? Multiply that by millions of others who have lost money, freedom, careers, and dignity over the past century-plus—all because, once passed, we have such trouble admitting that our new law is a failure.

Weed is all-too-emblematic of our policy mindset. When presented with a problem and no particular information or facts concerning said problem, our first solution always is "Jail." Or, in the corporate realm, "Law." Incarcerate or regulate now and worry about the consequences later.

The *Washington Post* recently reported on two approaches to the deadly drug fentanyl. The traditional approach of fighting it as one fights crime resulted in a massive wave of overdose deaths on the East Coast and in Appalachia. But in California, public health workers mingled among the users, encouraging proper labeling of the drug and demonstrating what levels were safe to use.

Ideal? Hardly. Better for social welfare? By far. If only the same sort of calm analysis had gone into marijuana policy a century ago.

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