

Hon. Christy Clark
Premier
West Annex, Parliament Buildings
Victoria BC V8V 1X4

Mr. Adrian Dix
Leader of the Opposition
Room 201, Parliament Buildings
Victoria BC V8V 1X4

February 15, 2012

Dear Ms. Clark and Mr. Dix:

Re: Cannabis taxation and regulation as a strategy to combat organized crime

As former BC Attorneys General, we are fully aware that British Columbia lost its war against the marijuana industry many years ago. The case demonstrating the failure and harms of marijuana prohibition is airtight. The evidence? Massive profits for organized crime, widespread gang violence, easy access to illegal cannabis for our youth, reduced community safety, and significant—and escalating—costs to taxpayers.

As Attorneys General, we were the province's chief prosecutors and were responsible for overseeing the justice system. In this role, we became well aware of the burden imposed on the province's justice system and court processes by enforcement of marijuana prohibition. We are therefore dismayed that the BC government supports the federal government's move to impose mandatory minimum sentences for minor cannabis offences. These misguided prosecutions will further strain an already clogged system, without reducing cannabis prohibition-related violence or rates of cannabis use.

The most obvious parallel to today's marijuana prohibition is the bloodshed and gang warfare that emerged in the United States in the 1920s during alcohol prohibition, and then disappeared when prohibition was repealed in 1933. It is time BC politicians listened to the vast majority of BC voters who support replacing cannabis prohibition in favour of a strictly regulated legal market for adult marijuana use.

BC's Health Officers Council and the Fraser Institute both support a tax and regulate regime, and a growing group of prominent British Columbians have joined to advocate for the taxation and regulation of marijuana through the Stop the Violence BC coalition. This coalition includes leading minds in public health, law enforcement and law, and we now include our names among their ranks.

While it is easier to take a leadership position on controversial issues once one is out of public office, the fact is that the public is way ahead of politicians on this issue. For instance, a recent Angus Reid poll demonstrated that 77% of British Columbians disagreed that marijuana possession should be a criminal offence and a similar majority were of the opinion that marijuana should be taxed and regulated. Perhaps not surprisingly, this same poll showed that 78% of British Columbians are dissatisfied with the way politicians at the provincial level are

responding to the problems stemming from the illegal marijuana industry in BC. It is our opinion that the only solution to this problem is to move away from an unregulated and increasingly violent illegal market, which is largely controlled by organized crime and whose only motive is profit, and towards a strictly regulated legal market whose motive is public health and safety.

We are cognizant of the fact that marijuana laws are federal, but there is still major opportunity for leadership from the provincial government on this matter. We encourage you to act and lead change on what is so obviously an untenable situation. Based on the evidence before us, we ask that you encourage the federal government to abandon mandatory minimum sentences for minor and non-violent marijuana-related offences and instead pursue a taxation and regulation strategy to better protect community health and safety while at the same time undermining gang profits.

We are also copying this letter to federal politicians in BC. We urge them to consider the evidence linking marijuana prohibition to organized crime and gang violence and to accept, as we and other experts do, that taxation and regulation under a public health framework is the only way forward. Cannabis prohibition is the cause of much of the gang violence in this province, and laws that more aggressively enforce prohibition are obviously not the solution.

Laws that have proven ineffective and which cause more harm than good should be repealed. Our current cannabis prohibition laws foster distrust and disrespect for government, police and the legal system. Thanks to the police intelligence efforts of organizations such as the RCMP, it is now commonly accepted knowledge that marijuana prohibition drives organized crime and related violence in BC. Given that, there is an urgency to consider alternatives to prohibition to help improve public health and safety, and prevent more innocent people from being caught in gang crossfire.

The evidence is incontrovertible that cannabis prohibition has been a failure. If you do not support taxation and regulation of marijuana as a strategy to better protect community health and safety, what is your plan to reduce gang violence related to the illegal marijuana trade, ensure the judicial system works efficiently and effectively in the face of escalating convictions, pay for increased prison costs while the BC government runs deficits, and prevent criminal enterprises from targeting BC's youth for cannabis sales?

All British Columbians are interested in your response to these important questions. With a critical mass of citizens and public health and legal experts now calling for change, the time to use taxation and regulation as a strategy to undermine organized crime is now.

Signed,

Colin Gabelmann Attorney General of BC (1991–1995)
Ujjal Dosanjh P.C. Q.C. 33rd Premier of BC and Attorney General (1995 – 2000)
Graeme Bowbrick Q. C. Attorney General of BC (2000-2001)
Geoff Plant Q.C. Attorney General of BC (2001-2005)

cc: MPs, MLAs and city councils in British Columbia