

Ohio Modernization Commission Ian James Testimony 6.11.15

Thank you Chairman Mulvihill and members of the Ohio Constitutional Modernization Commission's Constitutional Revision and Updating Committee. My name is Ian James. I am the Executive Director of ResponsibleOhio, a statewide non-profit organization seeking to legalize medicinal marijuana for the chronically ill and for the personal adult use of those who are over the age of 21.

With me today are Neil Clark, former Senate Minority Leader Eric Kearney and Constitutional Lawyer Don McTigue. We appreciate the opportunity to speak with you today and I would like to make an opening statement before taking your questions.

For over a Century, the system of amending the Ohio Constitution through **citizen initiative** has work incredibly well to serve as a check upon abuses in the enactment of laws by the General Assembly or as an alternative to failures by the General Assembly to act as well as a vehicle to expand and protect the rights of Ohioans.

The people of Ohio adopted the right of citizen initiative and referendum at the turn of the 20th century during what historians have termed the **Progressive Era**.

The people established these rights, due to extraordinary abuses and corruption of the state legislatures. They placed legislative power directly in the hands of the people, the source of all such power in a democracy.

Until now, we have avoided taking away any of these important rights of Ohioans. Yet the recently offered Amendment does just that by taking away the voters' right to propose amendments while vesting the power solely in the hands of Statehouse politicians. Such an action while perhaps relished by politicians is an ill-conceived step backward.

The ResponsibleOhio proposal was developed after 18 years of the Statehouse refusing to address the issue of medical marijuana legalization.

Ohioans know these harsh realities. Marijuana Prohibition has failed. This is evidenced in the fact that you can call, text or email to have marijuana delivered to your door in less than 15 minutes, faster than you can get a pizza delivered. However, Consumers do not know what they are **REALLY** consuming, and drug dealers don't card **YOUR** kids to know if they're over 21.

We spend \$120M a year in Ohio to enforce failed marijuana laws.

Black Ohioans are 4 times more likely than White Ohioans to be arrested for marijuana; even they consume marijuana at the same rate.

The American Bar Association found that **a single marijuana misdemeanor conviction in Ohio can have over 300 consequences** – mainly the inability to get licensed to work in a number of fields and a loss of student financial aid, putting college further out of reach for even more Ohioans.

It was in the review of Ohio's past that we found solutions for the future. With the repeal of Alcohol Prohibition, Ohio established **a three-tier system for Alcohol sales**. Our amendment followed this model and proposes the creation of a Marijuana Control Commission – much **like the Division of Liquor Control**.

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The **Ohio Marijuana Legalization Amendment** will give thousands of Ohioans the chance to own and operate their own Testing or Manufacturing facilities, Retail Stores and/or Medical Marijuana Dispensaries.

To provide state authorization, but **TRUE** local control, Retail Store Owners must receive voter approval from the precinct in which the Retail Store seeks to operate.

To protect against underage sales at Marijuana Retail Stores, the Amendment requires ***Jail for Sale*** for any **RETAILER** who sells to anyone under the age of 21.

Because access to health care should not be dependent upon a person's zip code or income, our plan gives the chronically ill the compassionate care that medical marijuana provides.

Utilizing a portion of the taxes paid by commercial marijuana consumers, the Marijuana Control Commission has the ability to provide a sliding pay scale for medical patients.

Media across the country has said that our plan is taking the industry **from Tie-Dye to Suit and Tie**.

That's because our approach is responsible. It protects business, protects our kids and the public, invests hundreds of millions of dollars into our state, and creates over 10,000 permanent jobs.

That is the ResponsibleOhio Marijuana Legalization Amendment. **We place our trust in the hands of the Ohio voters**, because we believe that a majority of Ohio voters should decide an issue that the Statehouse has refused to consider for nearly two decades.

In comparison, the proposal to restrict voter rights places **NO** trust in the voters as it vests the power in the in the hands of Statehouse Politicians.

With the Wright Brothers, Ohio was the **First in Flight**. Under the proposal to restrict voter rights plan, Ohio will be the **Last to Land** and our state will find itself becoming the Mississippi of the Midwest replete with backroom deals led by moneyed special interests deciding what voters can and cannot vote upon and when they will be permitted to vote.

I realize that some have said it is **"Immoral"** to change the Constitution for legalization. What is immoral is the fact that by trying to stop marijuana's legalization, those who seek to do so find themselves in the unenviable position of defending the Drug Dealers and the Underground Economy; a seedy world that thrives from a robust drug cartel today.

Indeed, it is this very cartel that doesn't card your kids when they sell them drugs, because for many of the drug dealers, **it's about cash not conscious.**

What is **immoral** is the refusal to pass legislation to legalize medical marijuana for the chronically ill and/or to stop the voters from legalizing medical marijuana.

It's **immoral** to refuse to provide those who have been touched by cancer, Alzheimer's and Parkinson's diseases, our heroes in the military who return home with the open wounds of war suffering from Post Traumatic Stress Disorder, Seniors who must contend daily with the debilitating pain of arthritis, and the children who suffer from Epilepsy.

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What is **immoral** is forbidding the Chronically Ill from having treatment from a plant because of the patient's zip code.

And what is **immoral** is not embracing the greatest economic opportunity that has come to our state since the first seam of coal was mined in my home county of Athens, or the first cars rolled off the assembly lines in Toledo, Lorain, Cleveland and Lordstown.

That is immoral with a capital "I."

The immorality of denying voters the right to decide the issue is clear. What is also clear is the following:

1) Ohio's Voters are smart. They get it.

I find it interesting and odd that politicians trusted the voters enough to elect them, but now they don't trust them to do what's right.

Ohio voters want to have their voices heard and their votes counted. They **DO NOT** like ceding the right to place issues before the voters to the Ohio Statehouse.

Giving voters **LESS** power, while giving politicians **SOLE** power, does not sound like a "modern" idea. In fact, it sounds like a return to the time before the "Progressive Era."

By the way, if you support maintaining Marijuana Prohibition in Ohio, you should celebrate the historic fact that Ohio voter have rejected 74% of all citizen proposed Constitutional Initiated Amendments.

It is insulting to Ohio voters to suggest that the changes to the Constitution are necessary because a small number of Ohioans believe voters are gullible.

As of this morning, nearly 570,000 Ohio voters have signed the ResponsibleOhio Petition. They have done so having had the opportunity to read the Amendment, speak to the petitioner, review countless hours of news reels, read thousands of column inches of print media, chat with their friends and families about the issue on social media. That's because the ResponsibleOhio amendment has gotten incredible media coverage, undergone scrutiny of Editorial Boards and the media across the state.

Ultimately, the Citizen Initiated Amendment Process works and it has worked for over 100 years.

2) Voters Oppose Making it Harder to Amend the Constitution. ResponsibleOhio has been polling Ohio voters since September and has over 5000 respondents to date. **ONLY 23% of Ohio voters** want to "make it harder" to amend the Ohio Constitution.

Quite frankly, taking away the right to direct democracy serves to fuel public cynicism of the process, and resentment of the government.

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3) **Stripping Voters of the Right to Amendment the Constitution, and Vesting that Power in the hands of Statehouse Politicians, ONLY helps the Rich and Powerful.**

Let's be VERY Clear about this: Mr. Yost's Amendment deals ONLY with Citizen Initiated Amendments. He leaves in place the Statehouse's ability to place issues of the politicians' choosing, before the voters.

In doing so, his plan would take voter's rights away and hand these rights to the Rich and Powerful, who have the connections at the Statehouse, where politicians can pick winners and losers via the Joint Resolution Process.

We've seen this game recently, as Ohio has a long storied history of backroom deals for Joint Resolutions for special interests from Casinos to multi-Billions Dollar Bond sales.

One of the most recent examples of rich and powerful special interests' working backroom deals at the Statehouse occurred just after the Casinos were approved. At the time, a rich and powerful special interest demanded that we move the Casino from the Arena District to the west side of Columbus so that the area would remain family friendly with its bars and nightclub.

Special interests with incredible access to the Statehouse were able to place the issue before voters without having to undertake a citizen petition effort.

And folks, this was **YEARS** before Mr. Yost raised some concerns about putting warehouses in the constitution.

Now consider the issuance of Bonds through the same Statehouse process. Ohio voters every so often are asked to vote for State Bond Issues without knowing which private interests will benefit from the voter-approved changes – be they an Ohio company or not. These Bond issues for Road, Bridges, Parks and other matters are put on the ballot by the Statehouse as Constitutional Amendments. **But the voters don't know what special interest will benefit.**

Why not change the Constitution to ensure that voters know if an Ohio company or some other company with deep pockets and political connections will get a sweetheart deal, and know how much the well connected will make from the voter approved Bond deal?

If voters are to be asked to give up their right to place issues on the ballot, and cede that power to the Statehouse, then shouldn't we at least offer voters full transparency and insight into who is getting the money, what they are doing, who they are paying?

4) **ResponsibleOhio took action because the Statehouse would not.**

ResponsibleOhio has taken the action to end Ohio's Failed Marijuana Prohibition because the Statehouse has **REFUSED** to take action on Medical Marijuana or Personal Use for more than 18 years.

Let's face it – save for a few courageous and forward-looking lawmakers, Ohio voters have been unduly served by the Statehouse on this critical issue.

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Rep. Bob Hagan first introduced Medical Marijuana in 1997. He continued to introduce the bill every General Assembly until he left office last year. This year, HB33 was introduced to provide Medical Marijuana for children with epilepsy. Today, it languishes in committee having had one hearing.

At the same time, another bill was introduced with 29 co-sponsors to make “*Hang on Sloopy*” the state’s rock song. It sailed thru the House and sits in the Senate awaiting action. I note this to demonstrate that we show more compassion for a rock song than we do for children with Chronic Illness.

That is the definition of immoral.

Our Petition process is taking place in the public, in the full light of day. This is probably one of the most reported upon Amendments in Ohio history. No one is hiding anything. We propose to let the majority of Ohio voters decide this issue, because we trust the voters.

Conclusion

Were I to recommend solutions that might be taken up by the Modernization Commission and the Statehouse, I might start by including the need to address Ohio’s Third World Infant Mortality rate, the dire need to address the heroin addiction that is ravaging our communities, and stop the continuous assault on working families.

Those promoting this ill-conceived idea of making it harder to reach the ballot claim to want to stop the rich and powerful, yet their very actions would weaken everyday Ohioans and strengthen the rich and powerful who WILL be able to reach the ballot because of their access to power.

Don’t deny voters the right to make their own direct choices.

Again, for well over a Century, the system of amending the Ohio Constitution has worked incredibly well to expand rights for Ohioans. It therefore seems counter productive, and a red herring to suggest that Ohio voters need to be protected and that the protection must come by stripping voters of the right to place an issue before their fellow voters, while handing the Statehouse politicians – *who refuse to take action* – the only avenue to reach the ballot.

Let the people vote. Let the people decide.

As the Dean said, NO other state has any such language to limit the right of the voters in proposing Constitutional Amendments. That’s likely because they, like we, trust the voters.

Let’s protect the system that has worked well for over a century.

Again, thank you Chairman Mulvihill and members of the Ohio Constitutional Revision and Updating Committee for having us here today.

We look forward to your questions.