

**“Weed” The People**  
**January 15, 2014**  
**Commissioner Nick Fish**  
**Keynote**

Thanks to Lake Oswego High for hosting this event to my friends at the Classroom Law Project for organizing another great program, to the coaches, teachers and family members for supporting these remarkable young people and especially to tonight’s participants.

As the parent of 2 students and as an elected official, spending time with you makes me proud and hopeful about our future.

This is the 5<sup>th</sup> time I have had the honor of speaking at this event.

Tonight, I’d like to spend a few minutes talking about taxes, states rights and the constitution.

Pretty exciting stuff... don’t you think?

According to a recent Gallup Poll, there is a tax that Americans are ready to embrace.

In fact, over the last 2 decades, there has been a big shift in public opinion from 73% opposed to 58% in favor.

In a difficult political climate for new taxes, voters in some states have overwhelmingly supported this new tax.

And here is the good news... most of the revenue is being earmarked for *public education*.

This could mean billions of dollars to invest in students like you.

Just imagine what we could do with that that kind of money... modern classrooms and facilities, better ball fields and more after-school activities.

Before I ask you to join this campaign to fully fund our schools, there is one detail I need to share with you.

The tax is on the sale of marijuana.

And ... it gets more complicated.

Marijuana is categorized under Federal Law - the Controlled Substances Act - as a Schedule I drug.

Just like heroin, LSD and cocaine.

As you know, that has not stopped 20 states and the District of Columbia from allowing either medical or recreational marijuana use.

And this year, Oregonians may get to vote on the so-called "Reefer Referral."

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I see your faces. Particularly the adults.

Nick has been in City Hall waaaay too long.

This is We the People, not Weed the People.

OK...OK...the students in this room can see through all the smoke.

They know this is a constitutional skirmish, as old as the Republic, pitting the states against the federal government.

A fight that raises a number of fundamental questions, like:

Under the 10<sup>th</sup> Amendment, where does the power of the Federal government end and where do the rights of state begin?

Just how much freedom should states have as laboratories of democracy?

Can a state and its citizens nullify a Federal Law they believe is unconstitutional?

Sound familiar?

At a moment like this, it is useful to turn to the founders, the Constitution, and our Bill of Rights.

We know our founders were skeptical about direct democracy.

In fact, they would be surprised to look out across this room and learn that so many of you can actually vote!

But we also know they were concerned about overreaching by the federal government.

Remember Madison in Federalist # 46?

“The means of opposition to it are powerful” ... (and include) ...”refusal to cooperate with the officers of the Union.”

And how about the 10<sup>th</sup> Amendment and the Supremacy Clause?

“ This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land. ”

So – it is perfectly clear how this issue ultimately turns out. Right? – NOT!

For now, the Obama Justice Department has chosen to look the other way on the enforcement of Federal marijuana laws.

But what will a future President, and Justice Department, do?

These questions will be decided in the Courts and at the ballot box.

Show of hands. How many students in the room will be 18 or older this November?

Well, congratulations.

Your voice will help shape the debate about whether Oregon should become the next state to “legalize” marijuana.

And your vote may decide this question in November.

The student competitors in this room have a deep and unique understanding of the applicable constitutional issues.

You are ready to put your stamp on our collective future.

Based on what I have seen tonight, we are in good hands, and I know you will make thoughtful and well reasoned decisions.

Thank you.