

Treatment or Jail: Patrick Kennedy Wages Fierce Anti-Pot Crusade

As a hard-partying teenager, Patrick Kennedy met President Reagan at a fundraiser for the JFK Library, a meeting captured in a photograph that the former Rhode Island congressman now hangs in his home office. He used to think of it as a funny episode, a collision of Camelot's cocaine kid and America's foremost opponent of illegal drug use. But Kennedy took his last hit of anything in 2009, and he's since honed an anti-drug message that sounds a bit like Reagan with a Boston brogue.

Kennedy believes there is "an epidemic in this country of epic dimensions when it comes to alcohol and drugs." He'd like to treat it all, but he's convinced that the single biggest threat to America's mental health is free-market marijuana. So even as Democrats favor the legalization of pot—by a 34-point margin, according to the latest WSJ/NBC News poll—the scion of America's most famous Democratic family has broken ranks, criticized the White House, and aligned with the likes of Newt Gingrich to warn voters against trying to tax and regulate today's psychoactive chlorophyll.

"I don't think the American public has any clue about this stuff," says Kennedy, after welcoming guests with a choice of Gatorade or bottled water.

The "stuff" in question is modern marijuana, of course, which gets pumped into snack foods and candies, and carries more THC (tetrahydrocannabinol, the chemical that gets you high) than the ditch weed used by the hippie generation. Kennedy calls legalization "a public health nightmare" because he believes it will warm more people to a dangerous drug, and lead inevitably to "Big Marijuana," a blood-sucking vice industry dependent on converting kids and selling to heavy users—same as the tobacco and alcohol industries.

"The science tells the story," he says, breaking into an attack on the idea that marijuana is safer than alcohol. He ticks through studies showing that smoked marijuana is "associated with" or "linked to" IQ loss, psychosis, and self-reported dissatisfaction with life. "It takes you to the same place as cocaine or heroin," he often adds. "It just takes longer."

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Last January Kennedy went public with his beliefs, launching Smart Approaches to Marijuana, or Project SAM, a campaign to keep marijuana illegal and address the failings of the drug war through other means. But what other means? Kennedy has sometimes been vague, promising "a fresh approach that neither legalizes, nor demonizes marijuana," but never quite clarifying what makes him different from Reagan-era prohibitionists.

Not anymore. In a series of interviews, Kennedy and his cofounder Kevin Sabet—a former senior advisor to the Obama administration on drug policy—previewed SAM's aggressive new posture for 2014. It's not a new War on Pot, but it might be the most potent campaign since Nancy Reagan made marijuana the centerpiece of her "Just say no" tour three decades ago.

As Kennedy and Sabet cut a path between the poles of legalization and prohibition, they seem to list toward the status quo. They would make the simple possession of marijuana a civil infraction, like jaywalking, which could take 750,000 annual marijuana arrests down to zero, and alleviate the disproportionate burden that prohibition puts on people who

are nonwhite and poor.

But instead of handcuffs, Kennedy and Sabet propose a mandatory screening for marijuana addiction, according to the “Legal Reform” section of their website. That could lead to “marijuana education,” and ultimately a year in a “probation program to prevent further drug use.” And if the pot smoker still insists on getting high? It’s handcuffs time.

“Incarceration is a powerful motivator,” says Kennedy, who after a prescription drug-related car crash in 2006 spent a year urinating in front of a probation officer three times a week. He faced a jail term if he relapsed. “That does it for a lot of people,” he added. “That’s the turning point: hearing that judge say treatment or jail.”

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Kennedy and Sabet can also sound old-school on medical marijuana. As a member of Congress, Kennedy voted in favor of allowing patients access to pot but now says he was wrong. He’d like to repeal every law that treats smoked marijuana as medicine. Instead he hopes to see pharmaceutical-grade cannabis satisfy an FDA approval process and sell as a patch or pill. “We don’t smoke opium for morphine,” as Sabet explains, “we don’t need to smoke pot for medicine.”

SAM’s opponents argue that legalizing weed would raise tax revenue, allow law enforcement to chase more serious crime, and undercut Mexico’s violent drug cartels. Kennedy and Sabet sharply dispute all this—and so much more—but they’re particularly unapologetic about championing the continued existence of a black market. They say it’s mostly nonviolent on the American side, and will create fewer public health problems than allowing advertisers to flog for Big Marijuana.

“There is no way to minimize the greed and profit motive in promoting a dangerous substance,” says Kennedy. When it comes to pushing a product, adds Sabet, “I think Madison Avenue has proven that it can get around more rules and be more ruthless than any Mexican drug cartel.” He calls the black market, “better than having Joe Pot, heir to Joe Camel, on a bus-stop where I’m going to be hanging out with my kids before school.”

When Project SAM launched, opponents mocked the effort as foolhardy, and they had a point. Voters had just legalized marijuana by a landslide in Colorado and Washington. Polls showed that a majority of Americans supported doing the same nationwide, and Kennedy could do little at first but appear on TV as the token voice of dissent.

Now, however, SAM is poised to launch a serious counter-offensive. It began this month with a billboard outside the Super Bowl. “Marijuana kills your drive,” read the carefully-calibrated text, which picked up national coverage, spreading on a tide of the opposition’s howls and guffaws.

It was crafted by Sabet, a 34-year-old prodigy of drug politics, who launched his first anti-drug campaign (Citizens for a Drug-Free Berkeley) while in college and is now, in the opinion of Rolling Stone, the number one national “enemy of legalization.”

“Yep,” he emailed after the ad launched. “Game on.”

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The game continues this spring, with SAM planning a response to “We Are the Marijuana Majority,” a web compendium of legalization’s best and most famous friends, launched with a grant from the Drug Policy Alliance, a

leading advocate for reform. The SAM answer will be a directory of—you guessed it—the anti-marijuana majority.

The precise URL and title is still under discussion, but the webpage will feature opponents of legalization, an infinite scroll of head shots and quotes from the likes of Tina Brown, David Brooks, and Barack Obama (whose tangled statements on the subject appear to have landed him on both sites at once).

SAM's second website will take aim at Colorado and Washington, the world's first state-approved markets for marijuana, and to Kennedy and Sabet a slowly unfolding disaster that will prove them right in the end. The Justice Department has said it will shut down the state experiments if the regulations fail or public health falters, which is why SAM will use this site to track every known example of pot gone wrong.

The third website is tentatively titled "The Other Side of Marijuana" and it will collect stories from people who believe marijuana damaged their lives. It's a counterpoint to the notion that marijuana is a safe, non-addictive substance. Based on a sample of entries, it's also likely to draw more fire than anything SAM has done yet.

"My name is John and marijuana ruined my life," begins one note from a young man who says that marijuana took "the gifts and potential I was born with." "Most of my daughter's former friends are in jail or dead," adds the mother of an 18-year-old in residential treatment for marijuana addiction. She is "sickened" by the idea that marijuana will be the next big business in America.

In another note a therapist quits her practice in despair after a rise in marijuana-related patients. "I witnessed first-hand too many of the problems," she writes, ticking off "anxiety, depression, irritability and psychosis."

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Not every pot smoker goes crazy or brainless, as Kennedy admits, but SAM is about minimizing the risk to those who—like him—start drugs young and are predisposed to break bad for life. After he got married in 2011, in his early 40s, he moved to his wife's hometown of Atlantic City, N.J. Now he is the father of three kids under 5 (one is a step-child), and he worries they will inherit his addictions. He can also see the casinos from his backyard.

"The appetite for Americans to lose themselves is just..." Kennedy shakes his head and seems too pained to finish the thought. His six-week-old daughter was fussy the night before, and it was his turn to shush and pace. In the hallway, near a stairway to where his 20-month-old son is napping, there's a toy fire engine and Kennedy's eyes return to it again and again. Suddenly, he seems to be on the brink of tears.

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The rollout of the new SAM continued this month at a conference in Washington, D.C., where Kennedy and Sabet held a standing-room-only rally for supporters. They celebrated 25,000 media mentions, and 22 states with SAM affiliates. They aired footage of Kennedy telling CNN's Sanjay Gupta that his ballyhooed endorsement of marijuana was "shameful," a ratings ploy that "history will not remember well."

So far, however, the legalization side seems to have an edge in the war of ridicule. They charge Kennedy and Sabet with 21st century reefer madness, which the duo bats away as a sign that the opposition is afraid to engage with the facts. But while they can sometimes be unpopular at parties, they keep going, fueled by those letters from the public, and enthusiastic notes from past drug advisors.

"SAM is doing what no one else has done and doing a darn good job of it," wrote Robert DuPont, Richard Nixon's head of drug control, in a recent email to Sabet. "Absolutely brilliant presentation," Clinton-era drug czar Barry McCaffrey added in a different note.

In a sense, nothing has changed since a teenage Kennedy gave President Reagan a sly smile. To make the world a healthier place, the anti-drug crowd wants to protect people from their most dangerous appetites. The reform side supports the same vision of health but wants to make drug use itself safer, believing that insobriety is normal and indulgence inevitable.

Neither side appears to be winning, because there's no such thing as an "objective" position on marijuana policy. Would legalization really be so bad? Or is it the panacea its proponents claim? The honest answer is: nobody knows for sure, because no modern nation has ever tried legalization before—until now.

"Life isn't really in our control," says Kennedy, as another sober day fades to night. "There's a mover in the universe, a higher power, so to speak, and we can't imagine what we're going to find in our universe if we let go and just let God lead us."