

issue if the number and influence of Muslims grows in this country.

But what exactly does this have to do with the threat that al-Qaeda and other Muslim terrorist groups pose to America? For those who suggest that Islam by definition is the breeding ground for contemporary terrorism, the notion that Muslims could become law-abiding American citizens or American patriots is a contradiction in terms. As *Reason's* Jesse Walker notes, this fear of Islam echoes the Know-Nothings' anti-Catholic sentiments and the fear of the Vatican. The main difference between then and now is that the Know-Nothings of the 19th century were not advocating sending American troops to depose the pope and invade Catholic countries to force them to embrace American values.

Muslim anti-Americanism and violence, on the other hand, is in large part a response to American attempts to establish domination over the Middle East. Interestingly enough, in his groundbreaking essay "The Clash of Civilizations," Samuel Huntington warned against the kind of policy that would inflame anti-Americanism in the Middle East and foment conflict between the U.S. and the Muslim world. The suggestion that Muslims are invading America and trying to force their values and law on us seems to be a form of projection bias—attributing our own impulses to the other side. We want to control Muslims in the Middle East, and we blame the Muslims for planning to control us here at home.

Nation-states certainly have the right to control their borders and implement a policy that takes into consideration the economic, socio-cultural, and national-security costs of immigration. That makes it necessary to have debates over the mostly Hispanic immigration to this country and the mostly Muslim immigration to European countries. But the main threat Americans face from Muslims is in the realm of national security and in the

form of terrorism. Taking steps to reduce U.S. military intervention in the broader Middle East and employing a mix of intelligence and security operations to prevent terrorism could prove very effective in lessening this threat. We certainly have no interest in closing the doors of this country to talented and industrious Muslim immigrants who would be ready to embrace American values and adhere to our laws.

Pursuing a foreign policy that presupposes a unified, homogeneous, and anti-American Muslim world runs very much contrary to U.S. strategic interests. We would be better off recognizing that this imaginary entity, the Caliphate, consists in reality of many conflicting nation-states, ethnic groups, and religious sects. Some of them want to work and trade with us, and some don't. But

sowing fear of a monolithic Islam serves the interests of our client states, defense contractors, and lobbyists who press for rising defense budgets and further military interventions. This anti-Islam narrative is also promoted by Republican activists and conservative-movement pundits who hope that like the Red Menace of old, the specter of a Green Peril could serve as a unifying force for the political right. But this kind of policy would only end up overextending the military, ballooning deficits, and devastating our economic base. That's exactly the kind of tea that conservatives and libertarians have sworn not to drink. ■

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Up in Smoke

California was on the verge of legalizing marijuana—until profit-hungry growers just said no.

By Kelley Beaucar Vlahos

THERE'S A SCENE in the Bogart-Bacall noir classic "Key Largo" wherein one of the gangsters at the hotel starts rolling at the mouth to distract skittish guests from the hurricane outside. "I bet you two or three years we get Prohibition back," he says almost wistfully. "This time we make it stick ... absolutely, yeah." Prohibition had been great for business. It made kings of men.

While it would be unfair to compare California marijuana growers and distributors—legal or otherwise—to Prohibition-era gangsters, the failure of Golden State voters on Nov. 2 to legalize

the possession and sale of marijuana was partly due to cultivators' opposition. Self-interest trumped what could have been the most significant step toward decriminalizing marijuana since the herb was outlawed by the federal government in 1937. Growers saw their piece of a lucrative market threatened, say critics, so they cast their ballots accordingly.

"They were willing to vote against this because they enjoy the succor from the market price caused by prohibition," said Allen St. Pierre, director of NORML (the National Organization for the

Reform of Marijuana Laws), after Proposition 19 went down to a 46-54 percent defeat. The initiative would have allowed individual Californians to maintain tiny plots for marijuana plants and possess small amounts of the drug, while local governments would be permitted to regulate and tax pot like any other commodity.

St. Pierre says “new wave” growers—particularly those in the “Emerald Triangle” (Northern California’s Humboldt, Mendocino, and Trinity Counties) who made big money from pot after medical marijuana was legalized by California voters in 1996—hired PR firms, led protests, and poured their profits into stopping Prop 19. More established growers, the off-the-grid hippies who had been illegally raising the crop for decades, joined in for fear of a new tax regime and the prospect of being squeezed out the market entirely. Overall, the Emerald Triangle voted down Prop 19 by an even greater margin than the rest of the state, 55 to 45 percent.

“This is how divided it is when you get down to brass tacks, when it comes down to the almighty dollar,” St. Pierre tells *The American Conservative*. “The amazing division of what can be called the ‘I gots mine’ crowd, and people like me”—that is, activists who have been promoting legalization and fighting the Drug War as a moral and constitutional issue for decades.

What St. Pierre calls the “succor” of the “almighty dollar” is far from one activist’s postmortem hyperbole. Some state estimates declare the annual crop of marijuana in California to be worth \$14 billion. In 2009, the *New York Times* reported that medical marijuana sales totaled \$2 billion the year before. Proponents of Prop 19 claimed taxes on legalized cannabis could bring upwards of \$1.4 billion into beleaguered state coffers, though that would

depend on how many local governments bought into the program.

Nationwide, marijuana is a vast black market economy, which is now being funneled into profitable legal channels in 14 states through their burgeoning medical-marijuana programs. According to *SmartMoney*, there are already a handful of tiny medical-marijuana-related companies trading on the open market, “the most promising” being Converted Organics, a \$2.6 million organic-fertilizer firm.

A cottage industry is sprouting up to accommodate the proliferation of state laws sanctioning private “grows” and individual access to medical marijuana, a cause which today is supported by no less than 70 percent of the public. (An all-time high of 46 percent of Americans now support full legalization.) Aside from suppliers dealing in farming technology and materials, there are the accountants, lawyers, insurance brokers, real estate agents, bookkeepers, and even franchise dealers and “colleges” that teach aspiring cannabis entrepreneurs how to cultivate and market marijuana.

“This is going to be the fifth largest business in America, and the leading positions are being staked out now,” Steve DeAngelo told *SmartMoney* in November. DeAngelo is executive director of Harborside Health Center, a licensed dispensary in Oakland that made \$21 million in sales last year and purchased marijuana from 500 area farms. He was also an opponent of Prop 19. He says he was worried about government overreach. Others say he was just protecting Harborside’s market share.

On the other hand, Richard Lee, the wildly successful medical-marijuana distributor and founder of Oaksterdam University—a premier institution for “higher” learning, boasting three campuses in California and \$2 million

annual revenue—saw only upsides to pursuing Prop. 19. He wrote and promoted the initiative, ignoring resistance from growers and the pro-legalization community and poured in \$1 million of his own money to collect the 434,000 petition signatures necessary to get it on November’s ballot.

Lee told CNN just before the election that marijuana is already a “legitimate business, legitimate industry like other ones. Just like the alcohol industry is a real business.” His aim was to legalize this commerce and end the new prohibition, which he said does nothing but promote Al Capone-style crime on the one hand and a prison system clogged with non-violent offenders on the other.

But critics like NORML say Lee’s campaign did not reach out to the Emerald Triangle, and while its denizens’ concerns were partly selfish, they were serious and not altogether unrealistic. Their fears should have been addressed, and could have been if there had been a more concerted effort to build consensus from the beginning.

“The fact is that many small time growers are paying their mortgage and feeding their families from profits on illegal marijuana. Nobody is going to vote to reduce the price of weed from \$300/oz to \$60/oz when that takes food out of their kids’ mouths. The next initiative needs to create a level playing field for small businesses to compete in marijuana cultivation,” wrote NORML’s outreach director, Russ Belville, in his own postmortem, “10 Lessons Learned from Marijuana Election Defeats,” for *Men’s News Daily*.

“By emphasizing small, local grows, we can increase the grower vote while also soothing pot smokers worried about ‘Walmartization’ and non-tokers worried about pot becoming as ubiquitous as [the] alcohol they see advertised daily nearly everywhere.”

Certainly, “Walmartization” is a real

concern: city-sanctioned “mega grow” farms for medical marijuana are already being planned in Oakland and Berkeley. Not only would such plantations drive all existing “mom and pop” operations to the margins, critics fear pot would go the way of shoes and children’s clothing, markets rendered thin and tasteless by the dominance of cheap Chinese imports over the last 20 years.

But St. Pierre says there is nothing one can do about the prices, which would plunge back to earth—estimates say by 80 percent—if legalization were passed and government had the opportunity to tax and regulate it. “Cannabis when it is grown in the ground is pennies on the pound,” says St. Pierre.

The government will likely slap marijuana with a 5 to 12 percent “vice tax,” but high-profit growers “with their SUVs” and their “aggressive” defense of the status quo could kiss their high-times goodbye, he adds. “The bottom line is you simply can’t continue growing vegetable matter and get \$300 to \$400 an ounce for it.”

As for the mom-and-pops and the illegal growers in the Emerald Triangle, he said there’s a case to be made that under legalization, organic farms that have been cultivating “the finest cannabis” for the last 40 years will have the opportunity to be the Whole Foods to Southern California’s Sam’s Club market—or better yet, the new Sonoma wine country. Instead of traveling hundreds of miles for the finest grape, yuppies will build entire vacations around the lush California countryside and award-winning strains of sensimilla.

This future sounds worlds more attractive than the carny-like atmosphere that took hold in places like Venice Beach after medical marijuana was legalized 14 years ago, giving local jurisdictions discretion over cultivation and distribution. Some did this better than others, and the results have tainted

In his new book *Decision Points*, ex-president George W. Bush confirms —“damn right,” he says—that he personally authorized the waterboarding of al-Qaeda prisoners. The revelation raises some interesting questions. Nearly everyone but Bush and his accommodating Justice Department lawyers John Yoo and Jay Bybee believes that the practice is indeed torture. The British government has denounced the procedure and expressed the view that it never produced any useful intelligence.

Washington itself once regarded waterboarding as a very serious crime. During the U.S.-Philippine War (1899-1902), five Army officers were convicted by courts-martial for using it in interrogating Filipino prisoners. Army boards considered but rejected the defense of “military necessity,” recognizing that the practice was torture. After World War II, German officers were imprisoned for waterboarding captured resistance fighters. Japanese military officers were executed for torture of prisoners that included waterboarding. So it would seem that there is a firmly established legal precedent accepted by the United States since before 1946 that the practice is torture. Now the Justice Department and Pentagon confront a dilemma about what to do about the American soldiers who were tried and punished for carrying out exactly the same procedure during the Vietnam War. Army Staff Sergeant David Carmon was disciplined after he was observed waterboarding a prisoner, and there may have been more such prosecutions. If President Barack Obama opts not to punish his predecessor for admitting to a war crime, then the soldiers who have been tried for the same offense surely should be given pardons whether or not they are still alive. Does Obama have the courage to take such a step? Almost certainly not, particularly as it would also be an implicit public endorsement of the practice of torture by his administration.



There are signs that Israel might be planning a military incursion into south Lebanon,

encouraged by the U.S. midterm election results that suggest that Tel Aviv will receive a free pass from Congress and the administration if it goes after Hezbollah again. Hezbollah is believed to be particularly vulnerable because of highly disruptive internal arguments about what its role should be vis-à-vis the Lebanese government.

Intelligence sources note that the level of Israeli espionage directed against Lebanon has increased sharply over the past few months. In late October, a Lebanese military court convicted three men of spying for Israel and sentenced them to death. Other sources report that there have been literally dozens of arrests of Lebanese as part of a nationwide espionage investigation. Most have been charged with spying for Israel, though a few were apparently working for Damascus. One of the men convicted most recently provided sensitive information and admitted that he had repeatedly crossed the border into Israel for training, learning to use telecommunications devices and photographic equipment to assist his spying. Those arrested over the past year have included a high-ranking army officer, a member of the leading Christian party, and several telecommunications company employees, suggesting that Israel has sources throughout the Lebanese government and that it has also successfully tapped into the country’s phone and data systems.

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