

How to Rig a Poll

Legalizers Look to 2012

By O'Shaughnessy's News Service, December 15, 2010

A week after the election, pro-cannabis reform activists held a get-together in Denver that some modestly referred to as a "summit meeting." They defined the yes vote for Prop 19 (46%) as a victory and began making plans for another attempt at "legalization" in 2012.

The alpha reform leader is Ethan Nadelmann, George Soros's lieutenant for drug policy reform. Soros and Peter Lewis, the Progressive Insurance magnate, gave Nadelmann some \$8 million a year to allocate to various groups and projects, which is the basis of his clout within the movement.

This is how John Hoeffel of the LA Times described Nadelmann's role at the self-styled summit:

A few days after the vote, Nadelmann told a conference on marijuana policy in Denver that the big donors who supported past measures would step up [in 2012] if the polls looked favorable. 'They want to be in this to win,' Nadelmann said.

He noted that George Soros, the hedge-fund multibillionaire, donated \$1 million to help Proposition 19 to clearly indicate his support for legalizing marijuana, and that Peter B. Lewis, a retired insurance company executive, has decided to focus his philanthropy on marijuana reform. Lewis, who donated more than \$218,000 to pass Proposition 19, paid for Greenberg Quinlan Rosner to poll California voters...

Legalization advocates are also rethinking the measure. A provision designed to protect people who smoke marijuana from discrimination was assailed by opponents who said it would prevent employers from firing stoned nurses or bus drivers. Speaking in Denver, Nadelmann said it might have to be sacrificed.

The Greenberg Quinlan Rosner poll found that voters, by 50 percent to 44 percent, think employers should be able to fire workers who test positive for marijuana even if they smoked it in their off hours."

How, exactly, did the polling firm hired by the billionaire determine that, in the opinion of most California voters, working people who are unimpaired on the job shouldn't have the right to smoke pot at home? Ethan Nadelmann, PhD, considers this finding so indisputably valid that he is already suggesting that it be reflected in the 2012 "legalization" initiative. Hoeffel of the Times - a first-rate reporter - cites the figure "50 percent to 44 percent" and it begins to take on the status of actual fact.

On Nov. 4, two days after the election, Greenberg Quinlan Rosner issued and publicized a report entitled "Proposition 19 in Perspective." It set forth "key findings from a telephone survey of 800 voters in California. This survey was conducted October 31-November 2, 2010 and carries a margin of error of +/- 3.46 points at a 95 percent confidence level."

The survey consisted of 28 questions, some structured as pairs of statements in which the questioner instructs, "Please tell me whether the first statement or the second statement comes closer to your own view, even if neither is exactly right." Question 22 concerned workers rights. Which statement do you agree with more?

"As long as they come to work sober and ready to work, employees should not lose their job for what they do off hours, including

smoking marijuana. OR: Employers have the right to maintain drug free work environments and fire employees who test positive for marijuana."

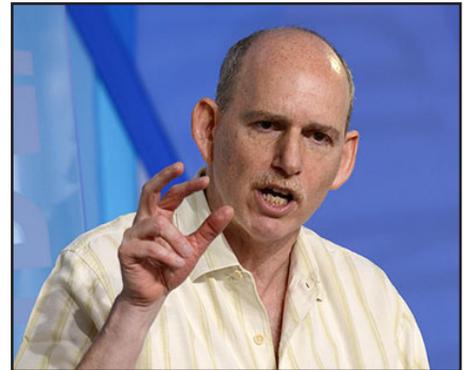
A popular little book called "How to Lie With Statistics," published in 1954, described techniques that have not become outdated. Written by Darrell Huff, with droll drawings by Irving Geiss, it would look good on your Kindle. I think of it as "The Elements of Style" for soc sci majors. Strunk & White's advice was to be concise. Huff's is to be skeptical -there could be bias at every level of the survey process.

I reached for "How to Lie..." after reading the Prop 19 survey on the Greenberg Quinlan Rosner website. "Does it make sense?" Huff reminds us to ask. No, it does not make sense that all pot-smoking Californians would readily express a pro-marijuana opinion to an unseen questioner who knows their identity. Most people don't want their name on any list the feds could get ahold of -which explains why only a small fraction of medical marijuana users have been willing to get state ID cards. Greenberg Quinlan Rosner offices are in Washington, D.C. (and London and Buenos Aires). When respondents were called, would caller id show a 202 area code? Anna Greenberg wouldn't respond to repeated inquiries.

Consider the first workplace-related statement: "As long as they come to work sober and ready to work, employees should not lose their job for what they do off hours, including smoking marijuana." It's negative and paternalistic, wholly the employer's perspective. The phrasing alienates the responder from "they," the workers. And it's not just smoking pot that the respondent is asked to approve, it's "what(ever) they do off hours."

The second option, "employers have the right to maintain drug free environments and fire employees who test positive for marijuana" seems sensible and straightforward. But it rests on a deceitful definition and bundles two separate elements into one "right." What is a "drug-free environment?" You might picture an office or shop to which the employees don't bring illicit drugs. But according to the federal Drug-Free Workplace Act of 1988, whose definition the survey implicitly adopts, it's an office or shop where the employees' urine doesn't contain drug metabolites.

Although the GQR report was entitled "Proposition 19 in Perspective," none of the questions concerned such controversial aspects of the initiative as penalizing those who provide marijuana to people under 21 and those who use it in the presence of children. Why didn't they want the voters' views on those matters? Why were the pollsters interested in confirming the employers' "right" to fire workers? Come to think of it, why did the insurance magnate pay in October for a survey that would generate a report -and



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a press release- two days after the election?

The GQR report was a preliminary step towards framing the 2012 “legalization” initiative. The report’s “key findings” concluded, “California voters put up the largest number ever recorded for a legalization referendum, in a year when conservatives took back the House and typically lower mid-term election turnout patterns held. Given the high level of support for legalization in this survey, and the unusual circumstances of this election year, it is very unlikely that Prop 19 was the final word on this issue.”

Why is Ethan Nadelmann inclined to draft an initiative that would permit bosses to fire unimpaired workers? That’s a question rank-and-file reformers should ask if they’re allowed into the drafting process.

BTW, whatever happened to the idea that an election provides an opportunity for political education? Why not conduct an informational campaign that frames the employee’s right to work in terms of impairment rather than metabolites-in-the-urine? Clever Anna Greenberg could formulate questions suggesting public support for a worker’s right to smoke pot at home if job performance is unimpaired (and an employer’s right to fire demonstrably impaired workers.)

Reformers generally assume that “legalization” is a heavier, more radical demand than “legalization for medical use.” At first glance it seems mathematically obvious -the latter is a fraction of the former. But on another level, the demand for legalization only implies that marijuana is not bad for you (not so bad that using it should be a crime). The recognition that marijuana has medical use implies that it can be good for you (and equal to or better than corporate drugs). “Medical use,” as defined by Dennis Peron in 1996 —“In a country where they prescribe Prozac for shy teenagers, all marijuana use is medical”—was a much heavier statement than “legalization” as defined by Ethan Nadelmann at present.

The Greenberg Quinlan Rosner survey asked people their general opinion of Prop 215. “As you may know,” says the script,

“in 1996 California passed a law that allows patients to possess and consume marijuana if their doctor recommends it. Generally speaking, do you favor or oppose the law?” Sixty-eight percent said they favored the law, 45% “Strongly” and 23% “Somewhat.” Since Prop 215 passed with 56% of the vote, the 68% favorable response indicates that, despite negative publicity around dispensaries catering to stoners and venal potdocs writing approvals for patients having bad hair days, public acceptance of medical marijuana has increased. A most interesting finding.

The report made much of the fact that Prop 19 received more votes than Meg Whitman, the Republican gubernatorial candidate. An unremarked factor in Whitman’s downfall —and Senate candidate Carly Fiorina’s- is that they were both CEOs of companies that outsourced jobs. Jerry Brown and Barbara Boxer’s ads tagged them effectively as bad bosses. How do you make the argument that employers forcing unimpaired workers to submit to drug testing is unconstitutional, insulting, a waste of money, and kinky? Maybe an ad campaign on radio and TV consisting of Bob Dylan singing “Dignity.”

Mandatory drug testing for workers was a major achievement of the Reagan-Bush Administration, right up there with breaking the air traffic controllers union. When the drug-testing industry took off in the 1980s it was led by PharmChem, the Menlo Park lab that used to test street drugs for potency (and in some cases, identity) a decade earlier. Drug-testing should not be enshrined as a sacrosanct “employers’ right,” it should be challenged as an unlawful search.

Would-be marijuana legalizers ought to campaign in concert with labor, to eliminate drug testing in all but the most safety-sensitive jobs and in cases of evident impairment.

PS A guest editorial in the current issue of *The Nation*, which is devoted to drug policy reform, was written by Ethan Nadelmann. Which says something about the state of *The Nation*. —FG
