

Government's memo on marijuana confusing to local residents

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New federal policy statements on marijuana — one from the U.S. Justice Department and another from the Drug Enforcement Administration — are generating comments among Michigan supporters and detractors of medical marijuana.

What the June 29 policy memo from Deputy Attorney General James Cole at the U.S. Justice Department said, briefly, is that people who cultivate, sell or distribute marijuana, and those who knowingly facilitate such activities, are in violation of the Controlled Substances Act, regardless of state law.

“The memo delivers little clarity and creates more confusion in medical marijuana states,” said Rick Thompson, editor of Oak Park-based Michigan Medical Marijuana Magazine.

“The anti-compassionate attitude most certainly represents a new policy for 2011. The memo’s threat of money-laundering charges leaves businesspersons struggling to find the proper path to compliance while providing the fastest-growing source of new jobs in our state, and others.”

Oakland County Prosecutor Jessica Cooper said she didn’t consider the memo offering anything new.

“It’s in clearer language. The Supreme Court said it six years ago in 2005,” she said.

The Court’s opinion, she said, was that “regardless of what states enacted, the federal law takes precedent. We have indicated that was the case.”

After reading of the memo, Walt Bedell, Waterford Township Prosecutor, said, “Marijuana is still a controlled substance under the federal act, and in my opinion federal law pre-empts any state regulations.

“A lot of people were doing things (connected with medical marijuana) that were not authorized such as operating dispensaries and growing operations, and all along the federal government said it was illegal.”

To many, this new memo appears to change the federal government's position on medical marijuana, which appeared to be easing.

Back in 2009, the U.S. Justice Department informed U.S. attorneys that they shouldn't prosecute people whose "actions are in clear compliance" with state medical marijuana laws.

Medical marijuana advocates were elated by the stance.

But since February, 10 U.S. attorney's offices have asserted they have the authority to prosecute medical marijuana dispensaries and licensed growers in states with medical marijuana laws.

Prosecutors, the states complained, are not even willing to declare that state employees who implement such laws are immune from prosecution.

DEA chimes in

Last week the Drug Enforcement Administration rejected a petition filed nine years ago by medical marijuana proponents asking to reclassify the drug.

They had sought to remove marijuana from the most restrictive category under the Controlled Substances Act.

According to information published in the San Diego Tribune, DEA Administrator Michele Leonhart wrote that the petition was being rejected for a number of reasons.

Among them, she said: "Marijuana has no currently accepted medical use in treatment in the United States."

A slap at states' rights?

Jim Rasor, a Royal Oak City Commissioner and general law attorney, said the Justice Department has entered into a states' rights matter.

"I'm always appalled federal government fails to recognize state voters have the right to govern their own affairs," said Rasor.

"As I read the memo, it's a tool being used to keep state legislators from implementing policies that were voted in. It smacks of very anti-American activity."

Michael Komorn, who has medical marijuana patients and caregivers as clients, said, "The memo does little to

clarify anything. What it fails to address is the fact that every major medical institution has declared that cannabis is medicine and the federal government knows this.

“It is a dishonest and uncompassionate response to those Americans who are using cannabis to treat their illness. You would hope to think more from our government.”

Komorn said he is waiting for state rights politicians “who oppose Obama-care and support Arizona’s state immigration law to do the same on this issue. Either way the memo makes safe reliable access to cannabis for sick people more challenging.”

FYI

Sixteen states and the District of Columbia have legalized the medical use of marijuana, with programs in various phases of development. The states are: Alaska, Arizona, California, Colorado, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington.

DEA’s response to a petition that DEA received from the Coalition for Rescheduling Cannabis requesting marijuana be re-scheduled can be viewed at www.deadiversion.usdoj.gov/pubs/coalition_response.pdf